

Summary – Principles of European environmental law

The main ambition of this thesis is to examine the principles of European environmental law. To this formidable challenge is first of all very useful to understand, which role the principles generally play in the system of law. That is why we have to focus on this phenomenon from the position of theory of law, when we try to put forward the definition of principles. We also draw the attention to the differences, which contradistinguish the principles from other rules of law and another matters, such as values and policies, to which they can be easily interchanged. We demonstrate the variety of functions which the principles perform in legal order as well as their subserviency during the course of decision making process. Henceforth we divide the principles into specific groups in compliance with their different characteristic features and so create the typology of principles. All these problems we try to solve in the first part of this thesis.

In the second part of this work we target closely to the principles of European environmental law. We identify all the positions in primary law, where are the principles set in and we also learn, that the position of principles in the primary European law had to be laborously gained. We also discover the specific features and the role and functions, which the principles perform in the system of postmodern environmental law. We try to classify them into three main groups according to their characteristic features.

In the third and also fundamental part of this work we target some of the chosen principles of European environmental law more in detail. We recognize the development of various principles in time, the transformation the principles got through and also the irreplaceable part the principles act during the course of decision making in front of the Court of the first instance and the European court of justice. We also find out, that with the lack of definition of the principles in the primary law, both the European courts play an irreplaceable part in specifying the meaning of principles. We prove, that it is not necessary to perceive the principles as a brake of development and the nightmare of economist. During its use in the legislative measures of the European union as well as during its application and interpretation, the principles are distinctively modified with the elements, which are able to alleviate them with the ambition of the most extensive cooperation with another policies and goals of the European union. That is why the environmental policy with its principles should be

understood as one of the policies, which modest aim is to protect and preserve the environment.

From the large range of judgements we can discover, that principles of European environmental law find there its place, fighting for the protection and maintenance of nature and I hope they will play the same role in the future.